

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

| | | |
|--------------------|---|-------------------|
| ANDREW A. HERZOG, |) | 8:09CV70 |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | MEMORANDUM |
| |) | AND ORDER |
| BILL GIBBS/GIBSON, |) | |
| |) | |
| Defendant. |) | |

This matter is before the court on Plaintiff's Motion for Summons (filing no. [25](#)). Because Plaintiff has failed to complete timely service of process, the court finds that this case should be dismissed without prejudice.

On April 23, 2009, the court reviewed Plaintiff's Complaint and ordered him to complete service of process on Defendant. (Filing No. [10](#).) The court warned Plaintiff that failure to complete service of process by August 20, 2009, may result in dismissal of this matter. (*Id.*) On December 1, 2009, the court ordered Plaintiff to show cause why his case should not be dismissed for failure to complete timely service of process. (Filing No. [23](#).) The court warned Plaintiff that failure to show good cause by December 30, 2009, would result in dismissal of this action. (*Id.*) On December 8, 2009, Plaintiff filed a Motion for Summons (filing no. [25](#)), which consists of one completed USM-285 form. However, Plaintiff filed no summons form and made no attempt to show cause why his case should not be dismissed for failure to complete timely service of process.

IT IS THEREFORE ORDERED that:

1. Plaintiff's Complaint (filing no. [1](#)) is dismissed without prejudice.

2. A separate judgment will be entered in accordance with this Memorandum and Order.

January 26, 2010.

BY THE COURT:

Richard G. Kopf
United States District Judge

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